### Worker Safety & Health Rule

Office of Worker Protection Policy and Programs
U.S. Department of Energy
January 23, 2004



# **Bob Stump National Defense Authorization Act**

- Atomic Energy Act Amended
  - Section 234C, December 2, 2002
  - Secretary of Energy
    - Promulgate regulations for industrial and construction health and safety at DOE contractor facilities
    - Facilities operated by contractors covered by agreements of indemnification



 Provide a level of protection to workers at such facilities that is substantially equivalent to the level of protection currently provided to workers.



#### Flexibility

- Reflect the hazards associated with the particular work environment
- Take into account special circumstances at a facility that is, or expected to be, permanently closed and/or demolished, or titled to be transferred to another entity for reuse



#### Flexibility continued:

Achieve national security missions in an efficient and timely manner



- Deadline for Promulgating Rule:
  - Not later than one year after the date of the enactment of the legislation: December 2, 2003
- Rule Effective Date:
  - One year after the promulgation date of the regulation



- 10 CFR 851, Worker Safety and Health Notice of Proposed Rulemaking
  - Federal Register December 8, 2003
  - Comment Period ends February 6, 2004
  - Two Public Hearings
    - January 21, 2004 Arlington, VA
    - February 4, 2004 Golden, Colorado

DOE National Renewable Energy Laboratory

9:00 a.m. to 1:00 p.m.

4:00 p.m. to 8:00 p.m.



- File written comments:
  - Electronically on Website established for this rulemaking process at:
    - http://www.eh.doe.gov/whs/rulemaking
  - Mail:
    - US Department of Energy
    - Washington, DC
  - For additional information contact:
    - Jacqueline D. Rogers 301-903-5684 jackie.rogers@eh.doe.gov



#### Applicability:

- DOE contractor facilities
- DOE operated workplaces
   Federal Employees
  - Establish, maintain, and implement a worker safety and health program



#### Exclusions:

- Naval Nuclear Propulsion Facilities
- Facilities regulated by OSHA on December 2, 2002 (e.g., Power Administration, Strategic Petroleum Reserves)
- Radiological hazards



#### General Rule:

Covered workplace must be free from recognized hazards that are causing or likely to cause death or serious bodily harm

Work is performed in accordance with worker safety and health program approved by DOE



#### Worker Safety and Health Program:

- Eliminate, limit or mitigate identified workplace hazards
- Tailored to reflect activities and hazards
- Consistent with DEAR and ISM
- Include safety and health standards that achieve a level of protection substantially equivalent to the level of protection that existed in 2002



#### WSH Program continued:

- Select and document a set of standards that are necessary and sufficient to provide adequate protection to workers
- Beryllium hazards, 10 CFR 850
  - Incorporate chronic beryllium disease prevention program



#### WSH Program continued:

- Other Identified hazards:
  - Appendix A to 10 CFR 851 (adopted from DOE O 440.1A),
  - Other safety and health standards, or
  - A combination of standards in Appendix
     A and other safety and health standards



#### WSH Program continued:

- If more than one contractor is responsible for a site:
  - Establish and maintain program for responsible workplaces
  - Coordinate with other contractors to ensure programs are integrated and consistent



#### DOE Approval of WSH Program:

- Beginning one year after publication of final rule:
  - No work may be performed at a covered workplace unless the PSO has approved the program

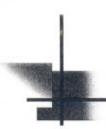


#### DOE approval continued:

 PSO will issue a worker protection evaluation report

Determine if program will achieve a level of protection at least substantially equivalent to the level of protection that existed in 2002 for the covered workplaces

PSO may delegate approval process



#### DOE approval continued:

- Contractors must submit their WHS program for approval within 180 days after publication of the final rule
- Maintain WSH program by:
  - Evaluating and updating to reflect any changes in the activities and hazards



#### DOE approval continued:

- Annually submitting to DOE
  - Updated program for approval
  - Letter stating no changes to the current approved program
- Incorporating any changes, conditions, or workplace safety and health standards directed by DOE.



## 10 CFR 850, Chronic Beryllium Disease Prevention Program Amendment

#### Scope, 10 CFR 850.1

This part provides for establishment of a chronic beryllium disease prevention program (CBDPP) that supplements and is is deemed an integral part of the worker safety and health program under 10 CFR 851.

#### Enforcement, 10 CFR 850.4

DOE may take appropriate steps pursuant to 10 CFR 851 to enforce compliance by contractors with this part and any DOE-approved CBDPP.